

Message Text

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ACTION NEA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-07

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TO SECSTATE WASHDC 3482

INFO AMEMBASSY COLOMBO

AMEMBASSY DACCA

AMEMBASSY KABUL

AMCONSUL KARACHI

AMCONSUL LAHORE

AMEMBASSY KATHMANDU

AMEMBASSY NEW DELHI

AMEMBASSY TEHRAN

C O N F I D E N T I A L ISLAMABAD 8536

E.O. 11652: GDS

TAGS: SHUM, PK

SUBJECT: HUMAN RIGHTS UNDER THE INTERIM GOVERNMENT

1. WITH THE ADVENT OF MILITARY RULE IN PAKISTAN QUESTIONS ON THE OBSERVANCE OF HUMAN RIGHTS STANDARDS INEVITABLY ARISE. IN ONE SENSE PAKISTAN'S HUMAN RIGHTS POSITION HAS WORSENED SINCE JULY FIFTH - A CIVILIAN GOVERNMENT WAS REMOVED FROM POWER BY A MILITARY GOVERNMENT. HOWEVER, ONE COULD QUESTION HOW REPRESENTATIVE BHUTTO'S GOVERNMENT WAS IN THE LAST MONTHS OF HIS REGIME, OR THE MEANS BY WHICH HE WON REELECTION. ALSO, THECSNABILITY OF BHUTTO'S GOVERNMENT TO CONTROL THE SECURITY SITUATION IN PAKISTAN MEANT THE DETERIORATION OF BASIC HUMAN AND CIVIL RIGHTS FOR MANY PAKISTANIS THROUGHOUT THE FIRST HALF OF THE YEAR, WHEN HE DETAINED NUMBERS OF OPPOSITION LEADERS. IT IS OUR VIEW THAT THE MARTIAL LAW ADMINISTRATION HAS ESTABLISHED

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A MORE POSITIVE CLIMATE FOR HUMAN AND CIVIL RIGHTS IN PAKISTAN THAN EXISTED BEFORE JULY FIFTH. THE MLA HAS FREED MOST POLITICAL DETAINEES AND REMOVED MANY OF THE INEQUITIES WHICH MARKED THE PREVIOUS GOVERNMENT - A REGIME UNLIKELY TO RETURN TO POWER.

2. A RESPECT FOR HUMAN RIGHTS DEPENDS ON AN ACCEPTANCE

OF FREE AND FAIR ELECTIONS TO EFFECT CHANGES IN GOVERNMENT. THE CHIEF MARTIAL LAW ADMINISTRATOR, GENERAL ZIA-UL-HAQ, IN HIS FIRST ADDRESS TO THE NATION, DECLARED THAT NEW ELECTIONS WOULD BE HELD IN THREE MONTHS TIME AND THAT ALL POLITICAL PARTIES WOULD BE ENCOURAGED TO PARTICIPATE INCLUDING THAT OF THE MAN WHO REMOVED FROM OFFICE. IN THE TIME SINCE THE TAKEOVER THE REGIME HAS HELD TO ITS ANNOUNCED GOAL AND ELECTIONS ARE CURRENTLY SCHEDULED FOR OCTOBER 18. WHILE THE PICTURE COULD NO DOUBT CHANGE DRASTICALLY BEFORE THE ELECTIONS, THE OBVIOUS SINCERITY AND SINGLEMINDEDNESS OF THE MILITARY REGIME IN PRESSING FOR NEW POLLS HAS ALLAYED THE DOUBTS OF NEARLY ALL IN THIS COUNTRY WHO MAY HAVE QUESTIONED ZIA'S BONA FIDES.

3. IN SPECIFIC AREAS OF CIVIL RIGHTS AND LIBERTIES, THE SITUATION IS MUCH IMPROVED. THE SCOPE OF POLITICAL PARTICIPATION IS GREATER THAN PRE-JULY FIFTH AS MORE PEOPLE CAN TAKE PART IN THE CAMPAIGN AND ELECTION FREE FROM THE FEAR OF ARREST OR INTIMIDATION THAT MARKED THE PRE- AND POST-MARCH 7 ELECTION PERIOD. FREEDOM OF EXPRESSION AND MOVEMENT, FOR BOTH THE PPP AND PNA, ARE SUPPORTED BY THE INTERIM GOVERNMENT. FUNDAMENTAL CIVIL LIBERTIES SUCH AS FREEDOM OF INFORMATION, PRIVACY, LEGAL REPRESENTATION AND HABEAS CORPUS ARE MORE CLOSELY OBSERVED NOW THAN THEY WERE PRIOR TO THE MILITARY TAKEOVER.

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4. THE MILITARY HAS ALSO MOVED TO ENCOURAGE GREATER FREEDOM IN THE PRESS, INCLUDING THE NATIONAL PRESS TRUST PAPERS CONTROLLED BY THE GOVERNMENT, AND THE CHANGE IS READILY APPARENT. ON AUGUST 19, THE MLA SAID THAT THE PRESS, TV AND RADIO WERE COMPLETELY FREE AND ENCOURAGED THEM TO PARTICIPATE FULLY IN THE COUNTRY'S POLITICS. BOTH

THE PAKISTAN PEOPLE'S PARTY AND THE PAKISTAN NATIONAL ALLIANCE, THE TWO MAIN CONTENDERS FOR CONTROL OF THE NEXT GOVERNMENT, HAVE RECEIVED FAIR AND EXTENSIVE COVERAGE.

5. ANOTHER MAJOR CONTRIBUTION TO THE FEELING OF POLITICAL SECURITY HAS BEEN THE RELEASE OF THE GREAT MAJORITY OF POLITICAL DETAINEES, SOME OF WHOM HAVE BEEN HELD FOR SEVERAL YEARS. MOST OF THE INDIVIDUALS INCLUDED IN AMNESTY INTERNATIONAL'S "PRISONERS OF CONSCIENCE" ARE AMONG THOSE RELEASED, AND GENERAL ZIA HAS CALLED FOR THE RELEASE OF ALL REMAINING DETAINEES; AN EXCEPTION IS THE HYDERABAD CONSPIRACY CASE, WHOSE DEFENDENTS ARE UNDERGOING TRIAL. SEVERAL OF THE LATTER HAVE BEEN RELEASED ON BAIL.

6. WHILE SOME MAY FIND THE INTRODUCTION OF ISLAMIC SHARIAT LAW TO BE REPUGNANT IT SEEMS TO HAVE WON THE APPROVAL OF LARGE SEGMENTS OF PAKISTAN'S POPULATION. THE STRICT, SOMETIMES SEVERE ISLAMIC CODE ALLOWS FOR FLOGGING, DISMEMBERMENT, AND OCCASIONALLY, THE DEATH PENALTY FOR

VARIOUS CRIMES. IN PAKISTAN THE SEVERER FORMS OF PUNISHMENT CAN BE EMPLOYED ONLY AFTER THE CASE HAS BEEN REVIEWED BY REPRESENTATIVES OF THE CHIEF MARTIAL LAW ADMINISTRATOR, AND THERE HAVE BEEN NO REPORTS OF EITHER THE DEATH PENALTY OR DISMEMBERMENT BEING CARRIED OUT TO DATE.

7. THE HUMAN RIGHTS SITUATION IN PAKISTAN IS MARKED BY
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A GREATER RESPECT FOR INDIVIDUAL LIBERTIES AND FREEDOM - INCLUDING AN EQUITABLE APPLICATION OF THE RULE OF LAW - THAN EXISTED BEFORE JULY FIFTH. THE PRESENT GOVERNMENT'S ACCESSION TO POWER WAS EXTRA-CONSTITUTIONAL, BUT THE STEPS IT HAS TAKEN TO ENSURE THE OBSERVANCE OF A WIDE RANGE OF FUNDAMENTAL RIGHTS AND LIBERTIES HAVE SIGNIFICANTLY CONTRIBUTED TO AN IMPROVEMENT IN THE PAKISTAN HUMAN RIGHTS SITUATION.

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